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09/520,910	03/07/2000	Koichi Matsuda	SONY-T0291	9309

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EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 01/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/520,910

Applicant(s)

MATSUDA ET AL.

Examiner

Chau Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

☒ A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ 1) ☒ Responsive to communication(s) filed on 07 March 2000.

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

☒ 4) ☒ Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

☒ 6) ☒ Claim(s) 1-11 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

☒ 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

☒ a) ☒ All b) ☐ Some * c) ☐ None of:

☒ 1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

☒ 1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☒ 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

DETAILED ACTION

1. Claims 1-11 are presented for examination.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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3. Claims 1-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of Matsuda et al., U.S. Patent No. 6,253,167 and claims 1-12 of Matsuda et al., U.S. Patent No. 6,268,872. Although the conflicting claims are not identical, they are not patentably distinct from each other because the context of the claimed invention is the same as the context of the cited claims of U.S. Patent No. 6,253,167 and U.S. Patent No. 6,268,872.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morse et al. (Morse), Patent No. 5,802,296, and further in view of Matsui et al. (Matsui), Patent No. 5,956,028.

6. As to claim 1, Morse discloses an information processing system in which:
a server and a terminal are connected to each other via a network (col. 2, lines 15-22 and Fig. 1);

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a virtual community space accessible from a plurality of such terminals is built (col. 3, line 14 – col. 4, line 43);

a node for interpretation of the movement of a virtual living object is provided at each of the terminals (col. 2, lines 23-63); and

a management node for the virtual living object in the virtual community space is provided at the server (col. 3, lines 14-16).

However, Morse does not substantially disclose a management node for the virtual living object in the virtual community space is provided at the server. In the same field of endeavor, Matsui discloses the data management computer 200 (server) comprises a communication processing unit 211 (a management node) which receives information from the network NW and sends out information to the network NW (col. 4, lines 29-52 and col. 11, lines 9-26). Thus, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Morse and Matsui to include a management node for the virtual living object in the virtual community space at the server. Matsui teaches that the management computer 200 manages the property data of the objects changed on the basis of the manipulation input at each client computer, thereby allowing the user of each client sharing the virtual space to communicate through the behavior of the objects in the virtual space.

7. As to claim 3, Morse-Matsui disclose an information processing method comprising the steps of:

building a virtual living object (Morse, col. 2, lines 45-53);

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connecting a terminal to a server via a network (Morse, col. 2, lines 15-22);

building a virtual community space based on information supplied from the server (Matsui, Abstract); and

transmitting the virtual living object along with a movement interpretation node to the virtual community space (Morse, col. 2, lines 54-63).

8. As to claims 5, 7, and 9, Morse-Matsui disclose an information processing method comprising the steps of:

connecting a server to a terminal via a network (Morse, col. 2, lines 15-22);

receiving a virtual living object built by the terminal and a movement interpretation node (Morse, col. 2, lines 15-53); and

generating a management node for the virtual living object in a virtual community space based on the movement interpretation node (Matsui, col. 4, lines 29-52 and col. 11, lines 9-26).

9. As to claim 11, Morse-Matsui disclose an information serving medium for serving a computer program comprising the steps of:

interpreting at least the structure of a virtual living object built as a one which can be provided in a virtual community space (Matsui, col. 4, lines 29-45; Morse, col. 2, lines 15-53 and Fig. 1);

communicating with a master managing mechanism which manages the virtual living object in the virtual community space (Matsui, Abstract); and

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moving the built life object based on data generated by the master managing mechanism to control at least the action of the virtual living object (Morse, col. 3, line 14 – col. 4, line 43).

10. Claims 2, 4, 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morse et al. (Morse) and Matsui et al. (Matsui) as discussed in claims 1, 3, 5, 7, 9, and 11 above, and further in view of Falacara et al. (Falacara), Patent No. 6,377,263.

11. As to claims 2, 6, and 10, Morse and Matsui (Morse-Matsui) disclose the information processing system as set forth in claim 1, wherein:

the management node for the virtual living object manages at least the action of the virtual living object in the virtual community space (Matsui, (col. 4, lines 29-52 and col. 11, lines 9-26). However, Morse-Matsui do not substantially disclose the movement interpretation node includes at least a parameter indicative of at least the structure of the living object. In the same field of endeavor, included with the software modules are attributes, rules, and parameters that may be used to affect the basic visual appearance and behavior of a component (virtual living object) (Abstract). Thus, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Morse-Matsui and Falacara to includes a parameter indicative of at least the structure of the living object. Falacara suggests that using a parameter to establish an initiate state for each virtual reality object instantiated in the virtual world.

12. As to claims 4 and 8, Morse-Matsui and Falacara (Morse-Matsui-Falacara) disclose the method as set forth in claim 3, wherein the movement interpretation node includes a parameter indicative of at least the structure of the virtual living object (Falacara, Abstract).

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Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The Examiner can normally be reached on Monday-Friday from 7:30am to 4:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mark Powell, can be reached at (703) 305-9703.

The fax phone numbers for the organization where this application is assigned are as follows:


(703) 746-7238 (After Final Communications only)

(703) 746-7239 (Official Communications)

(703) 746-7240 (for Official Status Inquiries, Draft Communications only)

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900.

Chau Nguyen
Patent Examiner
Art Unit 2142


MARK POWELL
SUPERVISORY PATENT EXAMINER
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